

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed April 27, 2007. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claim 9 has been amended. No new matter has been added. Accordingly, Claims 4-11 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Drawings

On pages 2-4 of the Detailed Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). The Examiner stated that “Applicant shows the invention in Figures 1-5,” but concluded that the figures “never really shows how the seat is operated or any interaction between the structures or parts to achieve what is being claimed in claims 4-11.”

Applicant respectfully disagrees and believes that this objection should be withdrawn because, as noted by the Examiner, Figures 1-5 show the invention. While the figures may not show the movement of the vehicle seat, a person of ordinary skill in art after reviewing the figures in combination with other portions of the disclosure (e.g., paragraph [0018], paragraph [0020], paragraph [0024], paragraphs [0025]-[0028], etc.) would readily understand how the vehicle seat is operated and how the various features of the vehicle seat interact.

Using independent Claim 4 as an example, the figures show (according to one nonexclusive exemplary embodiment) every feature recited in independent Claim 4. Specifically, Figures 1 and 2 show a slide device 2 having a slide-lock mechanism 15. Applicant believes that a person of ordinary skill in art after reviewing Figures 1 and 2 in combination with the disclosure of paragraph [0018] would readily understand the movement of the slide device 2 and its interaction with the slide-lock mechanism 15. Figure 1 shows a seatback 5 including a

reclining device 6. Applicant believes that a person of ordinary skill in the art after reviewing Figure 1 in combination with the disclosure in paragraphs [0023] and [0024] would readily understand the movement of the seatback 5 and its interaction with the reclining device 6. Figure 1 shows a seat cushion 4 and Figure 4 shows a tip-up device 7. Applicant believes that a person of ordinary skill in the art after reviewing Figures 1 and 4 in combination with the disclosure in paragraphs [0021] and [0025] would readily understand the movement of the seat cushion 4 and its interaction with the tip-up device 7. Figure 2 shows a walk-in mechanism 9 and Figure 4 shows a lever 71. Applicant believes that a person of ordinary skill in the art after reviewing Figures 2 and 4 in combination with the disclosure in paragraphs [0026]-[0028] would readily understand the interaction between the walk-in mechanism 9 and the other features of the vehicle seat (i.e., the slide-lock mechanism 15, the reclining device 6 and the tip-up device 7). Further still, a person of ordinary skill in the art after reviewing all of the figures in combination with the disclosure of paragraph [0029] would clearly understand the relationship between the subject matter being claimed. Paragraph [0029] provides:

[W]hen shifting the pedal lever 71 downward [about a pivot pin 71a] to a considerable extent, tipping-up of the seat cushion portion 4 [about a shaft portion 27], tilting of the seatback portion 5 [about the reclining device 6] and moving forward of the sliding rails 14 [relative to fixed rails 13] are simultaneously achieved. Moreover, the tipping-up of the seat cushion portion 4 [about the shaft portion 27 and limited by a shaft portion 64 engaging a through-hole 62] makes it possible to slide whole of the seat forward in a large distance.

Applicant believes that the drawings are in compliance with 37 C.F.R. § 1.81 and § 1.83 and does not believe that any additional figures are necessary for a proper understanding of the subject matter being claimed. Accordingly, reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

On page 4 of the Detailed Action, the Examiner rejected Claims 9-11 under 35 U.S.C. § 112, ¶2 as being indefinite for “failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Specifically, with reference to Claim 9, the Examiner noted that “the phrase ‘operate the tip-up device in proportion to a shifting length of the lever’ is unclear and confusing language.”

Independent Claim 9 has been amended for clarity to recite that the walk-in mechanism is “configured to release the slide-lock mechanism and to release the reclining device and operate the tip-up device depending on the position of the lever.” A nonexclusive exemplary embodiment of such a feature is detailed in paragraph [0027] of the present Application.

Independent Claim 9 has also been amended to correct an antecedent basis defect that previously existed with regard to the “tip-up device.” In Claim 9, line 11 (as previously submitted), “the tip-device” was recited without any antecedent basis. Independent Claim 9 (as amended) now recites “a seat cushion supported above the sliding device and including a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device.”

Accordingly, Applicant submits that independent Claim 9 is compliance with 35 U.S.C. § 112, ¶2 and that the rejection has been overcome.

Claim Rejections – 35 U.S.C. § 102(b) and § 102(e)

On pages 5 and 6 of the Detailed Action, the Examiner rejected Claims 4-5, 7 and 9-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,513,868 to Tame (“Tame”). On page 6, the Examiner rejected Claims 4-5, 7 and 9-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,065,178 to Carella et al. (“Carella et al.”). On page 7, the Examiner rejected Claims 4-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,652,052 to Hessler et al. (“Hessler et al.”). On page 8, the Examiner rejected Claims 4-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,707,030 to Harding (“Harding”). On pages 9 and 10, the Examiner rejected Claims 4-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,597,206 to Ainsworth et al. (“Ainsworth et al.”).

On pages 10 and 11, the Examiner rejected Claims 4-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,626,392 to Bauer et al. (“Bauer et al.”). On pages 11 and 12, the Examiner rejected Claims 4-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,857,702 to Becker et al. (“Becker et al.”).

Each of these rejections should be withdrawn because the cited references fail to disclose, teach or suggest the claimed invention.

For example, independent Claims 4, 7 and 9 each recite a “vehicle seat” comprising, among other elements, “a seat cushion” that includes “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device” (emphasis added).

The references listed above and relied upon by the Examiner fail to disclose such a vehicle seat. In contrast, all of the references relied upon by the Examiner disclose the conventional type of vehicle seat discussed in the Background of the present Application (i.e., a vehicle seat that is provided with a foldable seatback and a slidable seat cushion wherein the seat is capable of merely folding the seatback and sliding moment of the entire vehicle seat while the seat cushion remains in a horizontal position thereby limiting the sliding distance of the vehicle seat in a fore and aft direction). More specifically, the references relied upon by the Examiner disclose the following:

Tame discloses that a “seat back assembly 24 can be dumped and the seat cushion assembly 22 moved forwardly to an access position to allow access to the rear seat” (col. 7, lines 43-46). With regard to the movement of the seat cushion assembly 22, Tame discloses only that “the seat cushion assembly 22 and the associated structures can slide fore and aft with respect to [a] fixed track assembly 28” (col. 7, lines 11-15). There is no teaching or suggestion of tipping up the seat cushion assembly 22 in combination with moving it forward. As such, Tame does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Carella et al. discloses a vehicle seat assembly 10 having a seat cushion 12 and a seat back 14. Carella et al. further discloses that “forward tilting of the seat back 14 produces pivotal movement of arms 38, 40” which “causes shoulder bolts 56 to engage the rear edge portion of aperture 54 and to resultantly slide seat cushion 12 forward” (col. 4, lines 26-38). Carella et al. only discloses a seat assembly that “facilitates access to the rear seat area by forward movement of the seat cushion to a constant forward position by the forward tilting movement of the seat back” (col. 2, lines 13-17). There is no teaching or suggestion of tipping up the seat cushion assembly 22 in combination with moving it forward. As such, Carella et al. does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Hessler et al. discloses a front seat 35 having a seat bottom 36 and a seat back 37 that is tiltable forward from its generally upright position. The seat bottom 36 is supported by a track assembly that includes an upper track assembly 50, a middle track assembly 52 and a lower track assembly 54 (col. 8, lines 55-60). To gain access to a rear seat, Hessler et al. discloses that these track assemblies are released for slidable movement of the seat bottom 36 by tilting the seat back 37 forwardly (col. 9, line 64-col. 10, line 4). There is no teaching or suggestion of tipping up the seat bottom 36 in combination with moving it forward. As such, Hessler et al. does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Harding discloses a front seat 30 having a seat bottom 32 and a seatback 32. Harding further discloses that when it is desirable to gain access to behind the seat 30, the “seatback 34 is pivoted to the position 34B shown in FIG. 1 . . . thereafter pushing of the seat 30 forwardly towards the front of the vehicle causes the fasteners 110 to be released from trap 84 . . . and slides 58 move forwardly . . .” (col. 8, lines 42-58). There is no teaching or suggestion of tipping up the seat bottom 32 in combination with moving it forward. As such, Harding does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Ainsworth et al. discloses a vehicle seat assembly 10 having a seatback 12 and a seat bottom 14. Ainsworth et al. also discloses that “to provide means for permitting selective pivotal movement of seatback 12 relative to seat bottom 14, a seatback recliner/dump apparatus 16 is provided along the outboard lateral edge of seat assembly 10” (col. 3, lines 53-56). Ainsworth et al. further discloses that “seat assembly 10 includes a manual seat adjuster 26 for permitting two-way (i.e., fore and aft) longitudinal adjustment of seat assembly 10” (col. 4, lines 24-28). Ainsworth et al. further discloses that “with seatback 12 retained in its forward dumped position,” the seat bottom 14 can be “slid forwardly to its forwardmost position on [a] lower rail assembly 36 (col. 11, lines 50-55). There is no teaching or suggestion of tipping up the seat bottom 14 in combination with sliding it forward. As such, Ainsworth et al. does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Bauer et al. discloses a motor vehicle seat with a longitudinal guide, with a backrest that can be tipped forward and which is connected to a release lever which allows the backrest to be released and tilted forward and a memory device for again finding the previously engaged position of the device following such longitudinal movement (col. 1, lines 5-12). There is no teaching or suggestion of tipping up a seat cushion in combination with sliding it forward. As such, Bauer et al. does not disclose a vehicle seat having a seat cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Becker et al. discloses a displaceable vehicle seat that includes a seat back 20 and a seat carrier 22. The vehicle seat further includes a release 42 in combination with a locking device 40 that enables the displacement of the vehicle seat from the normal use into a forwardly displaced position, the forward displacement consisting in folding forward the seat back 20 which allows the vehicle seat to be displaced forward in its longitudinal adjusting device (col. 1, lines 19-24). There is no teaching or suggestion of tipping up the seat carrier 22 in combination with sliding the vehicle seat forward. As such, Becker et al. does not disclose a vehicle seat having a seat

cushion including “a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device,” as recited in independent Claims 4, 7 and 9.

Nevertheless, the Examiner concluded that each reference detailed above teaches a “seat cushion including a tip-up device, the seat cushion configured to be tipped up upon operating the tip-up device.” The Examiner has provided no support for such a contention. Specifically, the Examiner has failed to identify which features in Tame, Carella et al., Hessler et al., Harding, Ainsworth et al., Bauer et al. or Becker et al. constitute a tip-device for the seat cushion as recited in independent Claim 4. The Examiner’s failure to provide a citation to the art of record is not surprising because the only evidence in the record of a teaching of such a feature is contained in the present Application. Of course, any reliance on the present Application would constitute impermissible hindsight reasoning.

Accordingly, Applicant respectfully requests withdrawal of the rejections of Claims 4, 7 and 9 since at least one element of such claims is not disclosed, taught or suggested by Tame, Carella et al., Hessler et al., Harding, Ainsworth et al., Bauer et al. and/or Becker et al. Claims 5, 6, 8, 10 and 11 variously depend from Claims 4, 7 and 9 and are allowable therewith for at least the same reasons set forth above, without regard to the further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 4-11 is respectfully requested.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant’s claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the

present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/26/2007

By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601